

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

State of Nevada,

Plaintiff

v.

Mr. Clayton-M. Bernard-Ex,

Defendant

Case No. 2:24-cv-02114-JAD-DJA

**Order Extending Appeal Deadline to
4/10/25 but Denying Certificate of
Appealability**

ECF Nos. 19, 20

Mr. Clayton-M. Bernard-Ex. was a defendant in a criminal case in the Las Vegas Justice Court. Theorizing that his constitutional, civil, and intellectual-property rights were violated during his 2017 arrest and resulting state-court prosecution, Mr. Clayton-M. Bernard-Ex., representing himself pro se, “removed” his criminal prosecution to this court and demanded more than \$38 billion in damages.¹ Because that removal was improper, this case was remanded back to the Las Vegas Justice Court on January 28, 2025.²

Mr. Clayton-M. Bernard-Ex now moves for a certificate of appealability to challenge that remand order,³ and he asks to extend his deadline to appeal.⁴ Because I find that reasonable jurists would not debate the conclusion that removal was improper, I

¹ ECF No. 1-4.

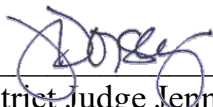
² ECF No. 17.

³ ECF No. 19.

⁴ ECF No. 20.

1 deny a certificate of appealability, but I nevertheless grant the motion to extend the
2 appellate deadline. While I decline to acknowledge the alleged wrongfulness of Mr.
3 Clayton-M. Bernard-Ex's inability to access documents in the PACER electronic-filing
4 system, I find that he has shown good cause for an extension under Federal Rule of
5 Appellate Procedure (FRAP) 4(a)(5). He has not specified the length of extension
6 requested,⁵ but FRAP 4(a)(5)(C) prohibits the court from extending the deadline more
7 than 30 days after the original deadline "or 14 days after the date when the order granting
8 the motion is entered, whichever is later."⁶ So I grant the motion and extend the
9 appellate deadline to April 10, 2025.

10 IT IS THEREFORE ORDERED that Mr. Clayton-M. Bernard-Ex's motion for a
11 certificate of appealability [ECF No. 19] is **DENIED**, but his motion to extend the
12 appellate deadline [ECF No. 20] is **GRANTED**, extending his deadline to appeal the
13 remand order [ECF No. 17] to April 10, 2025.

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16 U.S. District Judge Jennifer A. Dorsey
17 March 27, 2025
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21 ⁵ The motion appears to be a template with placeholder brackets designed to be replaced
22 by specific information, and the bracketed options were not replaced with the specific
23 information. *See, e.g.*, ECF No. 20 at 3.

⁶ Fed. R. App. P. 4(a)(5)(C).